

**fax**

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**ADVANCED BIONICS CORPORATION**

to:	U.S. Patent and Trademark Office MS: Issue Fee
fax #:	(571) 273-2885
from:	Bryant R. Gold
date:	April 10, 2006
subject	Issue Fee Payment Serial No. 09/929,596 Confirmation No. 9185 Filed 08/13/2001 Atty Docket No. AB-125U
pages:	1 cover + <u>3</u> text (PTOL-85 + Comments on Statement of Reasons For Allowance = <u>4</u> Total

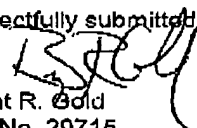
MESSAGE: Commissioner for Patents  
MS Issue Fee  
Arlington, VA 22313-1450

Fax. No. (571) 273-2885

Dear Sir:

Attached is Form PTOL-85, authorizing the payment of the large entity issue fee of \$1400 for the subject patent application. Authorization is included on Form PTOL-85-Part B for charging the issue fee to the Deposit Account of Advanced Bionics Corporation, Deposit Account No. 50-0648. Also attached are Comments On Statement of Reasons For Allowance, comprising two (2) pages.

Respectfully submitted,

  
Bryant R. Gold  
Reg. No. 29715

I hereby certify that this Fee(s) Transmittal is being facsimile transmitted to the United States Patent and Trademark Office, MS Issue Fee, Fax No. (571) 273-2885 on April 10, 2006.

4-10-06  
Date  
Bryant R. Gold**CONFIDENTIALITY NOTICE**

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09/929,596

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Todd K. Whitehurst et al.

Application No. 09/929,596

Conf. No. 9185

Filed: August 13, 2001

For: Fully Implantable Neurostimulator for  
Autonomic Nerve Fiber Stimulation as a  
Therapy for Urinary and Bowel Dysfunction

Group Art Unit: 3762

Examiner: Jastrzab, Jeffrey R.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCECommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant notes with appreciation the Notice of Allowance in this application mailed January 17, 2006. Accordingly, the Applicant files the issue fee herewith and makes the following comments on the Examiner's Statement of Reasons for Allowance contained in the Notice of Allowance.

In general, Applicant agrees with the Examiner's conclusions regarding patentability, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the application is allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the claims might be paraphrased.

AB-125U

09/929,596

In particular, Applicant believes that the Examiner's construction of the term "stimulator" in applying the Lue et al. reference (U.S. Patent No. 4,739,764) went beyond the broadest reasonable interpretation of the claim terms as they would have been understood by one of skill in the art. Consequently, Applicant continues to traverse the applicability of the Lue et al. reference to the claims as they existed previous to the Examiner's amendment in the Notice of Allowance.

Applicant believes that, as properly understood by one of skill in the art, Applicant's claims, absent the Examiner's amendment, would still be patentably distinct from the teachings of Lue et al. However, to expedite allowance of this application, Applicant has agreed to the Examiner's amendment without agreeing with the Examiner's reasons for making the amendment or the effect of the amendment on the claims as described by the Examiner.

Respectfully Submitted,

4-10-06  
Date

BRYANT GOLD  
Bryant R. Gold  
Reg. No. 29,715

Please direct all written and telephonic inquiries to:

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